

Application Serial No. 09/888,410  
Amendment dated 11 July 2003  
Reply to Office Action mailed 11 April 2003

## REMARKS

Claims 1, 25, 31 and 53 have been amended to specify that the particulate cellulose component is sander fines. In view of this amendment, claims 10, 27, 40 and 55 have been canceled. Claims 26 and 28 have been amended to change "being" to "is." Claim 30 and 58 have been amended to delete the second occurrence of "said fibrous cellulose component." Claims 59, 64 and 89 have been amended to delete "fiber waste" as a species of fibrous cellulose component. New claims 90-96 have been added to claim additional features of the invention as supported by the claims as originally filed. Claims 90-96 read on the elected species of fiber waste as the fibrous cellulose (wood) material, sander fines as the particulate cellulose material and light weight oil as the binding agent. It is submitted that these amendments do not constitute new matter, and their entry is requested.

Since the Examiner has maintained the election of species requirement made in the Office Action mailed 2 October 2002 with respect to an election of species for one of the individual components and indicated that Applicants' arguments concerning the election of a species for each of the three components were not persuasive, it is therefore submitted that the Examiner should include, within the elected invention, all claims which read on the single species of one component, i.e., the species of sander fines as the particulate cellulose component. Consequently, it is submitted that the Examiner should include claims 2-4, 6, 12-19, 24, 29, 32-34, 36, 42-48, 57 and 65-88 within the scope of the elected invention of one species of one of the components.

Claims 30 and 58 were rejected under 35 U.S.C. § 112, second paragraph for being indefinite. Claims 30 and 58 have been amended as noted by the Examiner. It is submitted that this amendment obviates this rejection, and its withdrawal is requested.

Claims 1, 5, 11, 20-22, 25, 28 and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Loeb (US 5,152,250). The Examiner contends that Loeb discloses an absorbent and a method of making an absorbent in which the absorbent comprises a fibrous cellulose component, i.e., peanut shells (which is further contended to be a "fibrous waste material"), a particulate cellulose component, i.e., grain flour, and a binder, i.e., mineral oil. Claims 1 and 25 have been amended to limit the particulate cellulose component to sander fines as originally set forth in claim

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10, which the Examiner indicated was allowable. Since Loeb does not disclose sander fines as the particulate cellulose component, it is submitted that Loeb does not anticipate the claimed invention. Withdrawal of this rejection is requested.

Claims 1, 20, 21, 25, 26, 31, 35, 49, 50, 53-54 and 58 were rejected under 35 U.S.C. § 102(b) as being anticipated by Stapley (US 4,355,593). The Examiner contends that Stapley discloses an absorbent and a method of making an absorbent in which the absorbent comprises a fibrous cellulose component, i.e., wood fiber products, a particulate cellulose component, i.e., sage brush, and a binder. Claims 1, 25, 31 and 53 have been amended to limit the particulate cellulose component to sander fines as originally set forth in claims 10 and 40, which the Examiner indicated were allowable. Since Stapley does not disclose sander fines as the particulate cellulose component, it is submitted that Stapley does not anticipate the claimed invention. Withdrawal of this rejection is requested.

Claims 27, 59-62, 64 and 89 were rejected under 35 U.S.C. § 103(a) as being obvious over Loeb in view of Marcus et al. (US 5,254,337). The Examiner relies on Loeb for its teachings as discussed above and cites Marcus et al. for its teaching that grain flour and wood flour are recognized as equivalents in the art. Claim 27 has been canceled. Claims 59, 64 and 89 have been amended to delete fiber waste as a fibrous cellulose component. Loeb does not disclose the species of fibrous cellulose component now specified in claims 59, 64 and 89 (the independent claims), i.e., wood fibers, fiber pile, chip wash solids and wood fiber fines. These fibrous cellulose components are also not disclosed by Marcus et al. Consequently, it is submitted that the combination of Loeb and Marcus et al. does not render claims 59-62, 64 and 89 obvious. Withdrawal of this rejection is requested.

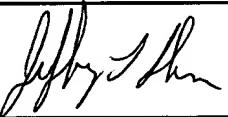
Claims 41, 51 and 56 were rejected under 35 U.S.C. § 103(a) as being obvious over Stapley in view of Loeb. The Examiner relies on the binding agent disclosure in Loeb for the generic "binder" of Stapley to make this rejection. Claims 41, 51 and 56 depend from claims which have been limited to specify that the particulate cellulose material is sander fines. This particulate cellulose material is neither disclosed nor suggested by Stapley or Loeb or the combination of these

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references. Consequently, it is submitted that the combination of Stapley and Loeb does not render claims 41, 51 and 56 obvious. Withdrawal of this rejection is requested.

Claim 55 was rejected under 35 U.S.C. § 103(a) as being obvious over Stapley in view of Cowan et al. (US 5,207,830). The Examiner cites Cowan et al. for its teaching that sage brush is recognized as equivalent in the art with other particulate cellulose materials. Claim 55 has been canceled. Withdrawal of this rejection is requested.

In view of the above amendments and remarks, it is submitted that the present claims satisfy the requirements of the patent statutes and are patentable over the prior art. Reconsideration and early notice of allowance are requested. The Examiner is invited to telephone the undersigned in order to expedite prosecution of the present application.

RESPECTFULLY SUBMITTED,					
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